

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

STRIKE 3 HOLDINGS, LLC,

Plaintiff;

vs.

GEORGE BORDLEY,

Defendant.

CIVIL ACTION NO. 2:18-CV-00868-JHS

HON. JOEL H. SLOMSKY

DEFENDANT'S MOTION FOR LEAVE TO FILE TO FILE INSTANTER MOTION FOR
RECONSIDERATION OF ORDER GRANTING MOTION TO COMPEL (ECF No. 18)

Defendant George Bordley respectfully moves this Honorable Court for leave to file instanter the within motion for reconsideration of the order granting plaintiff's motion to compel (ECF No. 18) entered Feb. 26, 2019, and to reconsider the imposition of monetary sanctions against defendant for failing to appear at the previously scheduled discovery conference on Jan. 25, 2019. This motion is supported by the accompanying declaration of counsel, which sets forth that good cause exists to grant the requested relief because:

1. Counsel mistakenly believed the deadline for filing a motion for reconsideration was 28 days after entry of the order, under Fed. R. Civ. P. 59(e), and didn't know about the 14-day deadline in Loc. R. 7.1(g) until after the fifteenth day.
2. Defendant provided the outstanding discovery to plaintiff before the order granting the motion to compel was entered.

3. Defendant didn't previously file an opposition to plaintiff's Jan. 31, 2019 motion to compel was because counsel believed the motion would be withdrawn as soon as discovery was provided.

4. The invoice for computer forensic services attached to plaintiff's motion does is not reasonable under the circumstances and the amount was intentionally inflated for purposes of filing the motion to compel.

Pursuant to Loc. R. 7.1(a) this application is accompanied by a proposed order.

Respectfully submitted,

THE PRIVACY FIRM PC
Counsel for Defendant

By: /s/ Joseph A. Bahgat
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Dated: 13-Mar-2019

CERTIFICATE OF SERVICE

I certify under Loc. R. 5.1.2 and Fed. R. Civ. P. 5(b)(2)(E) that on the date stamped above, a true and correct copy of the foregoing paper was filed with the court electronically, and that all counsel of record will be served with a notice of electronic filing at the email address(es) they have registered with the court's CM/ECF system.

/s/ Joseph A. Bahgat

Joseph A. Bahgat (323993)